REMARKS

Claims 37-39 have been amended. The application contains pending claims 37-39. A Petition for Extension of Time (three-months) and a Request for Continued Examination are being filed concurrently herewith. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claims 37 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Adams. The rejection is respectfully traversed.

Adams merely discloses that EBSP analysis is conducted based on evaluating change between different points, and moves the beam to the next point based on the analysis (col. 6, line 58 – col. 7, line 5). In the inventions of claims 37 and 39, the calculated degree of coincidence of images is obtained by "differential electro-optical conditions of the electron microscope," and is applied to determine whether the field of view is suitable for observation. In other words, the resulting calculation indicates whether the field of view of the electron microscope can acquire an image for observation. Adams does not disclose or suggest that the electron beam conditions are changed for acquiring an image.

Please note that the "electro-optical conditions" of claims 37 and 39 do not relate to the conditions of a scintillator. Please refer to FIG. 4 of the present application. The claimed invention relates to an apparatus that determines whether the field of view of the transmission image 1 has a brightness (gradation) appropriate for observation. (Specification at 22). The apparatus determines a phase-amplitude correlation between two transition images in the same field of view taken under different electro-optical conditions.

Claim 38 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Dougherty. The rejection is respectfully traversed.

For at least the reasons set forth above, Adams similarly does not teach or suggest the limitations of claim 38. Specifically, Adams does not teach or suggest an electron microscope that calculates "a degree of coincidence of images obtained by differential electro-optical conditions of the electron microscope," as recited in claim 38. As demonstrated above, Adams fails to teach or suggest that the electron beam conditions are changed for acquiring an image.

Dougherty is relied upon for a phase-only image correlation method to find differential data and adds nothing to rectify the deficiencies associated with Adams. Dougherty merely discloses a correlation technique between images. Dougherty does not disclose or suggest that the calculated degree of coincidence of images obtained by the "differential electro-optical conditions" of the electron microscope is applied to determine whether the field of view is suitable or not for observation. Thus, Dougherty does not cure the deficiencies of Adams.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to review and pass this application to issue.

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Respectfully submitted,

By _____

Mark J. Thronson
Registration No.: 33,082
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
2101 L Street NW
Washington, DC 20037-1526
(202) 785-9700
Attorney for Applicants